| UNITED STATES DISTRICT WESTERN DISTRICT OF NI | | |
|---|-------------|-------------------------------|
| KAREN GORDON, | | |
| | Plaintiff, | |
| | | DECISION AND ORDER TO STAY |
| | | 07-CV-6577L |
| v. | | |
| MERCK & CO., INC., et al., | | |
| | Defendants. | |
| KATHLEEN LAPP, | | _ |
| | Plaintiff, | |
| v. | | 07-CV-6578L |
| MERCK & CO., INC., et al., | | |
| | Defendants. | |
| MARIE ZIKA, | | _ |
| | Plaintiff, | |
| v. | | 07-CV-6579L |
| MERCK & CO., INC., et al., | | |
| | Defendants. | |

| FRANCES AGNELLO, | Plaintiff, | |
|-------------------------------------|-------------|-------------|
| v. | | 07-CV-6580L |
| MERCK & CO., INC., et al., | | |
| | Defendants. | |
| BEVERLY EUBANKS, | | |
| | Plaintiff, | |
| v. | | 07-CV-6581L |
| MERCK & CO., INC., et al., | | |
| | Defendants. | |
| JOANN EFTHEMIS, | | _ |
| | Plaintiff, | |
| v. MERCK & CO., INC., et al., | | 07-CV-6582L |
| | Defendants. | |

On November 20, 2007, Merck removed each of these negligence and product liability actions from New York State Supreme Court pursuant to 28 U.S.C. §§ 1332, 1441, and 1446.

Shortly thereafter, Merck filed motions to stay the actions (Dkt. #5) pending the issuance of a conditional order by the Judicial Panel on Multidistrict Litigation ("JPML") transferring each case

Case 6:07-cv-06577-DGL Document 12 Filed 01/08/08 Page 3 of 3

as a "tag-along" action to In re Vioxx Marketing, Sales Practices and Products Liability Litigation,

MDL No. 1657, an MDL action that has been established in the Eastern District of Louisiana. On

December 20, 2007, the JPML issued a conditional transfer order embracing each of the above cases.

It is unknown whether one or more of the plaintiffs will pursue objections to that order with the

JPML.

This Court has held in other cases concerning Vioxx that a stay was warranted in connection

with transfer decisions by the JPML in order to conserve judicial resources, to avoid duplicative

litigation, and to prevent hardship and inequity to Merck, and that a stay would not cause plaintiffs

to suffer undue prejudice. See e.g., Reid v. Merck & Co., Inc., No. 05-CV-6621L, slip op.

(W.D.N.Y. Mar. 1, 2006); North v. Merck & Co., Inc., No. 05-CV-6475L, 2005 WL 2921638

(W.D.N.Y. Nov. 4, 2005); Krieger v. Merck & Co., Inc., No. 05-CV-6338L, 2005 WL 2921640

(W.D.N.Y. Nov. 4, 2005).

For these same reasons, Merck's pending motions to stay (Dkt. #5) in each of the above-

referenced cases is **GRANTED**.

IT IS SO ORDERED.

DAVID G. LARIMER

United States District Judge

Dated: Rochester, New York

January 8, 2008.

- 3 -